

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ACQIS LLC,

Plaintiff,

v.

SONY INTERACTIVE ENTERTAINMENT
INC., SONY INTERACTIVE
ENTERTAINMENT LLC,

Defendants.

Case No. 6:22-cv-386-ADA-DTG

JURY TRIAL DEMANDED

**ACQIS’S UNOPPOSED MOTION FOR LEAVE TO FILE SUR-REPLY IN
OPPOSITION TO SONY’S PARTIAL RULE 12(B)(6) MOTION TO DISMISS**

Plaintiff ACQIS LLC (“ACQIS”) respectfully requests leave to file a sur-reply brief in opposition to Defendants Sony Interactive Entertainment Inc. and Sony Interactive Entertainment LLC’s Partial 12(b)(6) Motion to Dismiss (Dkt. 24) (“Sony’s Motion to Dismiss”). ACQIS’s proposed sur-reply (submitted herewith as Exhibit 1) is limited to five pages and is being submitted within seven days of Defendants Sony Interactive Entertainment Inc. and Sony Interactive Entertainment LLC’s Reply in Support of Partial 12(b)(6) Motion to Dismiss (Dkt. 31) (“Sony’s Reply”).

Counsel for the parties have conferred regarding this motion for leave, and counsel for Defendants has indicated that Defendants do not oppose ACQIS’s motion.

Good cause exists to grant this motion. Sony’s Reply includes new arguments and evidence (*e.g.*, Oral Argument, *ACQIS, LLC v. EMC Corp.*, No. 2021-1772 (Fed. Cir. May 18, 2022) (*see, e.g.*, Sony’s Reply, Dkt. 31 at 3-4); Dkt. 31-3 (Exhibit 14)) not raised in Sony’s

Motion to Dismiss, including arguments and evidence regarding ACQIS's arguments to the Federal Circuit and ACQIS's arguments to the PTAB in the context of *ACQIS LLC v. EMC Corp.* ACQIS's proposed sur-reply addresses these new arguments and evidence.

For the reasons set forth above, ACQIS respectfully requests that this unopposed motion for leave be granted.

Dated: January 17, 2023

Respectfully submitted,

By: /s/ Logan J. Drew

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CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing via electronic mail to all counsel of record. Any other counsel of record will be served by first class U.S. mail.

/s/ Logan J. Drew
Logan J. Drew